

Consent and Covid-19 Vaccination

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PRINCIPLES OF CONSENT

- Consent is the giving of permission or agreement for an intervention such as a vaccination .
- Consent involves a process of communication about the proposed intervention.
- The need for consent is also recognised in Irish and International law.
- It is a general presumption that people have capacity to consent.



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What is Informed Consent?

- An individual has received sufficient information in a comprehensible manner about the nature, potential risks and benefits of the proposed intervention, of any alternative intervention and of not receiving the intervention,
- Not be acting under duress; and,
- Have the decision-making capacity to make the decision (even if requiring support to do so).



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Informed consent and Covid-19 Vaccination

- Consent is always specific to the proposed intervention, in this case the specific vaccine that is being administered.
- All material risks and benefits of the vaccine must be disclosed.
- information should include individual as well societal benefits that may be conferred by 'herd immunity'.
- The information must be disclosed in a way that is comprehensible to the individual.



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Consent and Impaired Capacity

- Consider extra supports e.g. consulting a person close to the individual.
- The person should be given information in a manner and language that they understand in relation to the vaccination.
- Consider 'benefit'-how is this likely to benefit the person?
- Consider will and preferences-is there any information about the person's views on previous vaccinations e.g. the flu vaccination



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What are the Determinants of Capacity?

4 STEPS:

- Does the individual understand the information relevant to the decision, including the risks of refusing vaccination?
- Is the individual able to retain the information long enough to make a decision?
- Can the individual use and weigh the information to make a decision? This may involve enabling another person to help the individual.
- Can the individual communicate the decision? Communication can be verbal, using sign language or any other means of communication.



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- No other person such as a family member, ‘next of kin’, friend or carer and no organisation can give or refuse consent to vaccination on behalf of an adult person who lacks capacity to consent unless they have specific legal authority to do so.
- Irish Consent Policy: *Decisions should be made in the best interests of the [person] bearing in mind the principles outlined above.*
- The Registrar of the Wards of Court has confirmed that there is no requirement to seek a Court Order or Court Consent for the administration of the vaccine.
- For individuals detained under the MHA 2001, the same principles of seeking consent also apply and detention does not preclude the need to obtain consent.

Specific Considerations



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Wards of Court

- The President of the High Court has directed that, in general, vaccination is in the best interests of Wards.
- If a Ward or the Ward's committee/Guardian-ad-litem object to the vaccination, the Office of the WoC must be notified.
- If a Ward does refuse vaccination, the clinician should do a capacity assessment.
- If the decision is not to vaccinate, the Office of WoC must be notified.

Summary

- ALWAYS remember that the if the person understands what they are doing, you cannot decide for them.
- Capacity is generally assumed.
- For those with impaired capacity, every reasonable effort should be made to enable a person to make an informed decision about receiving the vaccination.
- The final decision on whether or to vaccinate an individual lies with the healthcare professional, having assessed decision-making capacity for the specific intervention.
- Do not proceed with the vaccine if restraint or force are required.



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Remember

- This is an unprecedented time
- We have all worked together to do our best for our patients
- Ask for help when you need it

